# Courts Administration Service

## 2008-2009

### Departmental Performance Report

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Minister of Justice and Attorney General of Canada

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## Chief Administrator's Message

I am pleased to present the Departmental Performance Report (DPR) for the Courts Administration Service (the "Service") for the period ending March 31, 2009. The Service is a model for the administration of court services that is unique internationally and has garnered attention from jurisdictions from around the world. We provide services to four separate, independent federal superior Courts of record and their clients while maintaining the independence of the Courts from the executive branch of the government.

The broad priorities for the Service for 2008-2009 related to reviewing and harmonizing our processes, and continuing to develop a work environment that will meet our needs in the years to come. Much progress was made in these areas, yet more work lies ahead. This report presents a balanced account of the performance of the organization against the priorities established in the Report on Plans and Priorities (RPP).

This past year was an eventful one for the Service. The government passed Bill C-3 (*An Act to amend the Immigration and Refugee Protection Act*) with the resulting creation of the position of Special Advocates for which the Service was required to provide accommodation and administrative support.

The Service continued the design and development of a new Case Management System (CMS) that will support the business of the four Courts and serve as the foundation for expanded use of new technologies. Phase one was implemented in May 2008. Our ultimate goal is to make completely electronic court files available to litigants and the judiciary.

The Service participated in the Round VI assessment by the Treasury Board Secretariat under the Management Accountability Framework (MAF) exercise. This was an intensive, highly useful exercise - the results of which served to inform the 2009-2010 planning exercise. The assessment also underscored the fact that smaller departments and agencies such as the Service have limited capacity and resources to meet all of the management expectations, reporting obligations and policy requirements coming from the centre. We must therefore be strategic in our approach to meeting our MAF objectives.

Significant progress continues to be made in the areas of integrated human resource planning, talent management, continuous learning and competency development. We must continue to attract and retain the right people with the right skills to maintain our outstanding service to the Courts and the public.

I am proud of our achievements and look forward to the coming year to further build on our successes.

R.P. Guenette

# Section I - Overview

## Raison d'être

The Courts Administration Service was established on July 2, 2003 with the coming into force of the *Courts Administration Service Act*, S.C. 2002, c. 8 (the Act). The Act served to amalgamate the former registries and corporate services of the Federal Court of Canada and the Tax Court of Canada.

The role of the Service is to provide effective and efficient registry, judicial and corporate services to four Courts of law — the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada. The Service also enhances judicial independence by placing the judiciary at arm's length from the federal government while ensuring greater accountability for the use of public money.

The four Courts served by the Service are superior Courts of record. The Courts were created by the Parliament of Canada pursuant to its authority under section 101 of the *Constitution Act, 1867* to establish courts "for the better administration of the Laws of Canada".

This unique model of court administration – the provision of consolidated administrative and registry services to multiple courts by an entity at arm's length from the executive branch of the government – is internationally recognized as a best practice. The Service has been actively participating in several international judicial exchange programs, notably with various courts in Russia, Ukraine and China. In addition, regular visits by foreign delegations seeking to benefit from the Canadian experience have built a reputation of excellence for the Service and admiration for the functioning of Canadian courts at the federal level.

One of the objectives of the *Courts Administration Service Act* is to facilitate coordination and co-operation among the four Courts for the purpose of ensuring the effective and efficient provision of administrative services to those Courts. While attempting to harmonize administrative and registry services wherever possible, the Service must also take into account the independence that each Court enjoys in the conduct of its affairs.

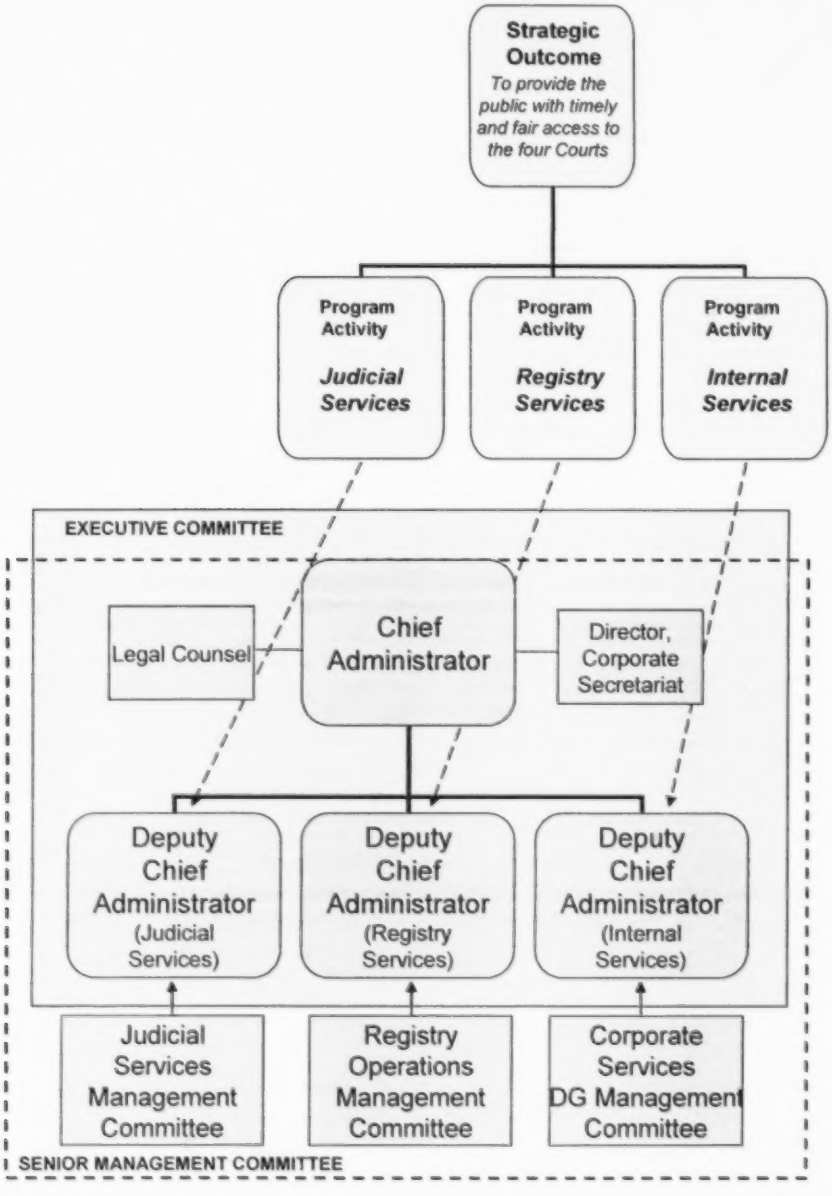
In that context, the Chief Administrator meets regularly and works closely with the four Chief Justices in order to strike the appropriate balance between harmonization, efficiency and independence.

## The sole strategic outcome for the Service reads as follows:

***The public has timely and fair access to the litigation processes of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada.***

## Strategic Outcome and Program Activity Architecture (PAA)

In its PAA, the Service has only one strategic outcome supported by three Program Activities. These Program Activities mirror the organizational structure of the Service:



## Responsibilities

### What We Do

The Service supports the four Courts and makes it easy for individuals, companies, organizations and the Government of Canada to submit disputes and other matters to the Courts. The Service also enables the Courts to hear and resolve the cases before them fairly, expeditiously and as efficiently as possible.

### The Functions of the Service

The Service plays a key role in:

- providing the judiciary, litigants and their counsel with services relating to court hearings;
- informing litigants about rules of practice, court directives and procedures;
- maintaining court records;
- acting as liaison between the judiciary, the legal profession and lay litigants;
- processing documents filed by or issued to litigants;
- recording all proceedings;
- serving as the entity where individuals seeking enforcement of decisions made by the courts and federal administrative tribunals, such as the Canada Industrial Relations Board and the Canadian Human Rights Tribunal, may file pertinent documents;
- providing judges, prothonotaries and staff with library services, appropriate facilities and security; and
- providing support services to the judiciary.

To facilitate accessibility to the Courts by parties, the Service has approximately 630 employees in ten (10) permanent offices in Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Alberta and British Columbia. In addition, registry services and courtrooms in other locations are provided through agreements with provincial and territorial partners in Newfoundland and Labrador, Prince Edward Island, New Brunswick, Saskatchewan, Nunavut, the Northwest Territories and Yukon.

The broad priorities of the Service for 2008-2009, as described in the RPP, were to modernize our administrative processes and registry service activities, and to establish a well designed, dynamic and fully integrated work environment to enhance our service delivery to clients and the judiciary.

**The Courts We Support**

The **Federal Court of Appeal** (FCA) has jurisdiction to hear appeals from decisions of the Federal Court and the Tax Court of Canada and certain other statutory appeals. It also has exclusive jurisdiction to hear and determine applications for judicial review of decisions of 16 federal boards, commissions and tribunals listed in section 28 of the *Federal Courts Act*. Parties to a proceeding in the Federal Court of Appeal may be granted leave, or permission, to appeal a decision of the Federal Court of Appeal to the Supreme Court of Canada if the case involves a question of public importance. For further information on the Federal Court of Appeal, please refer to http://www.fca-caf.gc.ca.

The **Federal Court** (FC) is a court of first instance. It has original, but not exclusive, jurisdiction over cases by and against the Crown (including Aboriginal law claims), and proceedings involving admiralty law and intellectual property law. It also has exclusive jurisdiction over national security proceedings and appeals under 110 federal statutes, as well as applications for judicial review of the decisions of all federal boards, commissions and tribunals other than those over which the Federal Court of Appeal has jurisdiction. This jurisdiction includes, in particular, applications for judicial review of decisions of the Immigration and Refugee Board. For further information on the Federal Court, please refer to http://www.fct-cf.gc.ca.

The main function of the **Court Martial Appeal Court of Canada** (CMAC) is to hear appeals from courts martial, which are military courts established under the *National Defence Act* and which hear cases under the *Code of Service Discipline* found in Parts III and VII of that Act. Judges of the Federal Court of Appeal and the Federal Court, as well as certain incumbent trial and appellate judges of the provincial superior courts are members of this Court. For further information on the Court Martial Appeal Court of Canada, please refer to http://www.cmac-cacm.ca.

The **Tax Court of Canada** (TCC) is a specialized court of law that decides matters involving taxpayers and the federal taxation authorities. The Court enables taxpayers and businesses to resolve disputes arising from such issues as payment of income tax and goods and services tax, and whether employment is insurable and pensionable for the purposes of the *Employment Insurance Act* and the *Canada Pension Plan*. For further information on the Tax Court of Canada, please refer to http://www.tcc-cci.gc.ca.

## Program Activities - Expected Results

| **Strategic Outcome** | *The public has timely and fair access to the litigation processes of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada* |
|---|---|
| **Program Activity** | **Expected Results** |
| **Registry Services** | • Awareness and understanding of the litigation processes in order to ensure that the public and parties have access to the Courts<br>• Access to the Courts as quickly as possible with as little burden as possible through client service, quality of advice, efficient and timely processing, and impartial service delivery<br>• Smooth and appropriate functioning of hearings<br>• A sustainable system of services to the Courts that make better use of technology, optimize resources and ensure value for money spent |
| **Judicial Services** | • Judges have the tools and resources they need to perform their functions in a timely manner<br>• Members of the Bar and litigants have an increased understanding and awareness of how the Courts work<br>• Key stakeholders and the general public have timely information about the status of court proceedings and about judgments rendered<br>• Better response to the needs of the Bar and litigants due to a better understanding of their needs |
| **Internal Services** | • Not applicable |

## *PROGRAM ACTIVITIES ARCHITECTURE 2008-2009*

## *COURTS ADMINISTRATION SERVICE*

### STRATEGIC OUTCOME

***The public has timely and fair access to the litigation processes of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada***

### THREE PROGRAM ACTIVITIES

| Registry Services | Judicial Services |
|---|---|
| Federal Court of Appeal and Court Martial Appeal Court of Canada Registry Operations | Judicial Executives Services |
| Federal Court Registry Operations | Judicial Assistants Services |
| Tax Court of Canada Registry Operations | Law Clerk Program |
| Regional Registry Operations – Québec & Atlantic, Ontario, and Western | Library Services |
| Best Practices & Modernization | |

### Internal Services

- Management and Oversight Services
- Human Resources Management Services
- Financial Management Services
- Supply Chain Management Services
- Facilities and Assets Management Services
- Information Management Services
- Information Technology Services
- Internal Audit Services
- Other Support Delivery Services
  - Chauffeurs and Court Attendants Services
  - Translation Services

**The Service's 2009-2010 PAA was modified to better reflect the sub-activities of the program activities** http://www.tbs-sct.gc.ca/rpp/2009-2010/inst/caj/caj01-eng.asp#t1.2

## Summary of Performance

### 2008–09 Financial Resources ($ millions)

| Planned Spending | Total Authorities | Actual Spending |
|---|---|---|
| 62.7 | 71.2 | 68.1 |

Number may not add up due to rounding.

The most significant variances between Total Authorities and Planned Spending are due to additional funds received for collective agreements ($3.4M), operating budget carry forward ($2.5M), program integrity ($2.0M), the move to consolidate registry operations from the Lorne Building to the Thomas D'Arcy McGee Building in Ottawa ($1.3M) and paylist shortfalls ($0.9M) which include benefits paid to employees for maternity leave and severance allowances.

It should be noted that the most significant variance of $3.4M above results from collective agreements that were signed with the majority of bargaining agents late in fiscal 2008-2009. These agreements included significant retroactive settlements as well as substantial signing bonuses of up to $4K per employee.

The aforementioned $2.0M program integrity variance is funding related to prothonotary salaries, deputy judges' travel and fees, as well as support costs for these judicial officers. Funding is received through the Management Reserve on a year by year basis. As such, a significant amount of funding is received through Supplementary Estimates every year as opposed to through Main Estimates. The Service is currently working with central agencies to resolve this issue on a permanent basis.

The two main variances between the Total Authorities and Actual Spending are due to:

(a) Delays in staffing amounting to $1.8M and;

(b) Funding of $1M approved for the relocation of certain facilities in 2008-2009. The expected relocation was delayed as the department that was to move out of the facilities destined for the Service in 2008-2009 was delayed eight months. Once the Service was made aware of this issue by Public Works and Government Services Canada (PWGSC), a reprofile of the $1M was requested in Fall 2008 and Treasury Board accepted this request.

### 2008–09 Human Resources (FTEs)

| Planned | Actual | Difference |
|---|---|---|
| 630 | 595 | 35 |

FTE – Full time equivalent

The variance between Planned and Actual FTE's can be attributed to delays in staffing vacant positions.

## Performance Summary

| Strategic Outcome: The public has timely and fair access to the litigation processes of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada. | | |
|---|---|---|
| **Performance Indicators** | **Targets** | **2008–09 Performance** |
| Level of satisfaction of clients and the judiciary with services provided | 85% satisfaction rate for clients and judges | Draft client service satisfaction surveys were developed in 2008-2009 and will be administered in 2009-2010 |

**($ millions)**

| Program Activity | 2007-08 Actual Spending | 2008-09 | | | | Alignment to Government of Canada Outcomes |
|---|---|---|---|---|---|---|
| | | Main Estimates | Planned Spending | Total Authorities | Actual Spending | |
| Registry Services | 38 | 36.2 | 39.5 | 44 | 42.2 | Government Affairs<br>The Service's strategic outcome is aligned with the area of government affairs of the Government of Canada Outcomes as it provides support to the Courts which, by their decisions, assist the machinery of government, while maintaining judicial independence. |
| Judicial Services | 22.6 | 21.6 | 23.1 | 27.2 | 25.9 | |
| **Total** | 60.6 | 57.8 | 62.7 | 71.2 | 68.1 | |

Number may not add up due to rounding.

As the variances explained in the previous table essentially impact both Registry Services and Judicial Services equally, the variances between Planned Spending, Total Authorities and Actual Spending by Program Activity will be related to the same factors described above.

**Contribution of Priorities to Strategic Outcome**

| Operational Priorities | Type | Status | Linkages to Strategic Outcome(s) |
|---|---|---|---|
| Modernization of our business processes and registry services operations<br>• Development of new Case Management System (CMS)<br>• Electronic capture of documents<br>• Review and harmonization of internal processes | Previously committed to | Successfully met expectations<br>• Significant progress made in the development of a new CMS<br>• Increased use of electronic filing, scanning and electronic distribution of judgments<br>• Request for proposals for digital recording was developed<br>• Processes and procedures across the four Courts were reviewed and draft service standards developed | Strategic Outcome –<br>Public has timely and adequate access to the litigation processes of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada.<br>Reviewing and harmonizing processes, adopting new technologies and development of a new CMS contribute directly to the provision of higher quality and more timely services to Canadians and better access to the Courts.<br>Implementing the new CMS and integrating the various related technologies will be the next major challenge for the Service. |

| Management Priorities | Type | Status | Linkages to Strategic Outcome |
|---|---|---|---|
| Implementation of a comprehensive, dynamic and fully integrated work environment to support the delivery of our services to clients and the judiciary<br>• Human Resources Planning (HR)<br>• Implementation of *Public Service Modernization Act* (PSMA)<br>• Supporting Public Service Renewal<br>• Consolidation of physical offices | Previously committed to | Mostly Met expectations<br>• Capacity of HR Services significantly increased<br>• Three-year, integrated HR Plan developed<br>• PSMA training delivered and authorities delegated to managers<br>• People Management Plan developed<br>• Development of competency profiles<br>• Thomas D'Arcy McGee (TDM) Building in Ottawa designated as long term NCR accommodation solution for the Service<br>• Registry Operations of the Federal Court of Appeal, Federal Court | Strategic Outcome –<br>Public has timely and adequate access to the litigation processes of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada.<br>• The quality of services delivered to Canadians and the Courts is dependent on a full complement of highly qualified employees. While significant progress was made in this area, it is an ongoing challenge that requires sustained attention and action.<br>• The results of the 2008 Public Service Employee Survey will be analyzed and an Action Plan developed in the coming |

| | | | |
|---|---|---|---|
| in the National Capital Region (NCR) | | and Court Martial Appeal Court of Canada co-located with a common service counter for the public<br>• Implementation of Bill C-3 | year.<br>• The complete consolidation of staff in the NCR will take place over a period of several years, as space in the TDM Building becomes available. |

## Risk Analysis

### Physical Security

Ensuring an appropriate level of physical security for the judges of the Courts, the staff of the Service and other parties at hearings is an ongoing challenge for the organization. Recent incidents have heightened the need to enhance the security profile in offices and hearing locations across the country.

The MAF assessment for the Service also indicated areas where additional attention is required with respect to security. A comprehensive national security strategy and related business case is under development which will address areas such as security screening at hearings, personal security of the judiciary, business continuity planning, Information Technology security and other related areas. The Service is working to secure the resources necessary for this important initiative.

### Challenges Facing Small Organizations

The Service participated in a Treasury Board Secretariat exercise under Round VI of the MAF assessment process in the Fall of 2008. This comprehensive review was very instructive and served as an important driver when planning for 2009-2010. However, it also highlighted the inherent lack of capacity for relatively small organizations such as the Service to meet all the management and reporting requirements stipulated by the various central agencies.

The Service, therefore, has chosen to focus on strengthening certain key management areas identified through the MAF exercise and these are outlined in its RPP for fiscal year 2009-2010. Notably, the implementation of a formal risk management regime for the Service has been identified as a corporate priority for the coming year.

In addition, discussions with the Office of the Comptroller General regarding an appropriate model for the Internal Audit function are currently underway and the outcome will be implemented in the coming year.

Funding to support established plans that will strengthen areas such as Information Management and Security Services and to support the consolidation of the Services' accommodations in the NCR will be sought as the organization simply lacks the resources internally for these key initiatives.

### Our People

The highly operational nature of the business of the Service leads to a requirement for employees with very specific and specialized skills and experience which take time to develop. In addition, the size of the organization often precludes significant opportunities for career advancement within Registry, Judicial and Corporate Services. The risk of losing qualified employees is ever present and a significant ongoing challenge for the Service.

Attracting, training, developing and retaining qualified staff was a priority in 2008-2009. The first step was to significantly enhance the capacity of the Human Resources Services

which had suffered from understaffing for a considerable period of time. This was fully accomplished in 2008-2009, which laid the foundation for moving forward with the development of a three-year integrated Human Resources Plan. This Plan includes a comprehensive People Management Strategy and supports the Public Service Renewal initiative in the areas of planning, recruitment, employee development and enabling infrastructure.

The Service has in place an Operational Training unit which continues to deliver customized, in-house courses to Registry staff on the jurisdiction, rules and procedures of the four Courts it supports.

**Workload**

The workload of the Courts, and by extension the Service, is impacted by the volume of incoming matters. This can be affected by changes to the economic climate nationally and internationally as well as the volume of decisions rendered by boards and tribunals such as the Immigration Refugee Board (IRB). An increase in the volume of immigration matters instituted with the Federal Court in the last quarter of 2008-2009 may indicate a related increase in decisions rendered by the IRB which will be monitored closely throughout the coming year.

The coming into force of Bill C-3, which amended the *Immigration and Refugee Protection Act* and instituted the Special Advocates regime, has had a significant impact on the Service. The Service now accommodates and provides administrative support to Special Advocates in their review of classified material on its premises. The volume of designated proceedings matters has increased sharply, requiring qualified Registry staff with Top Secret clearance to be diverted from the regular business of the Courts.

## Opportunities

**Technology**

The Service continues to respond to the changing expectations of both litigants and the judiciary by renewing its service delivery and taking advantage of new technologies wherever possible. The ultimate goal is to make available to staff, the judges and the public complete electronic files. The implementation of a common Case Management System will support electronic filing, scanning of documents, electronic fax receipt, digital audio recording of court proceedings and electronic dissemination of decisions. Our focus on electronic filing has paid significant dividends with the number of documents received electronically more than doubling to 15,020 from 6,673 the previous year. Phase one of the new system was rolled out in May 2008 and significant work was undertaken especially in Phase II and the other phases. CMS is expected to be completed in 2010-2011.

The Service is also exploring the general concept of the e-courtroom, whereby related technologies in the areas of document and evidence management, videoconferencing, digital audio recording and others are completely integrated. A needs assessment and examination of best practices in other jurisdictions will be undertaken in the coming year and will result in the development of an action plan for the future.

**Consolidation of offices in the National Capital Region (NCR)**

The creation of the Service in 2003 brought together two different organizations with completely different systems, rules, policies, processes and cultures. The new Service has devoted much time and energy to bringing them together with a view to creating the "single point of service" envisaged by the enabling legislation.

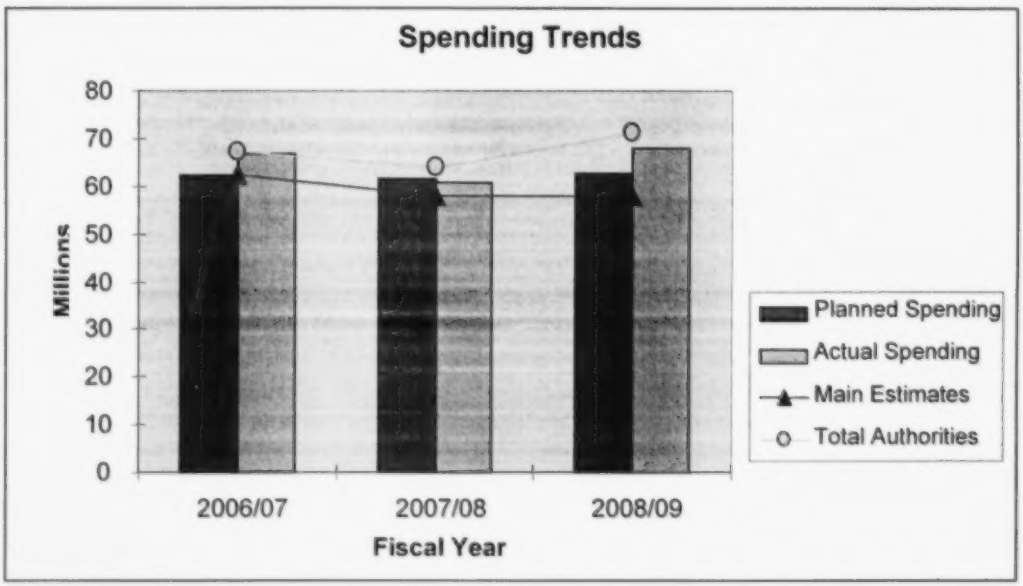
The greatest obstacle to integration to this point, however, has been the fact that the judiciary as well as registry and corporate staff within the NCR are housed in five

different buildings across the downtown area. With a view to maximizing the efficient use of human and financial resources in supporting the four Courts, a priority has been to co-locate all NCR employees in one location.

Senior management worked collaboratively with PWGSC, with the result that the Thomas D'Arcy McGee Building has been identified as the long-term accommodation solution for the judiciary and the Service. Space will be made available to the Service over the coming years as existing tenants are relocated.

A common registry operations location will allow for increased cross-training of staff in the rules and procedures of the four Courts. This will lead to greater flexibility in responding to fluctuations in workload across the Courts and improved service to clients. In the longer term, the centralization of Internal Services staff with the judiciary and registry staff will result in more timely and efficient service delivery to our internal clients.

## Expenditure Profile




Variance explanations:

- Actual spending increased from $60.6M in 2007-2008 to $68.1M in 2008-2009 and this variance is described under "Summary of Performance".
  It should be noted that in 2006-2007, the Service received approximately $4.5M of one time funding to consolidate its Toronto business operations in one facility, as well as its warehousing facility in Gatineau, Quebec.
- Total Authorities increased from $63.8M in 2007-2008 to $71.2M in 2008-2009. Variance of $7.4M is mainly due to collective agreements signed in 2008-2009 ($3.4M), funds received in 2008-2009 for the changes to the *Immigration and Refugee Protection Act* whereby the Service agreed to support newly appointed Special Advocates ($3.1M), and the move to consolidate the Service registry operations from the Lorne Building to Thomas D'Arcy McGee Building ($1.3M).

## Voted and Statutory Items

($ millions)

| Vote # or Statutory Item (S) | Truncated Vote or Statutory Wording | 2006-07 Actual Spending | 2007-08 Actual Spending | 2008-09 Main Estimates | 2008-09 Actual Spending |
|---|---|---|---|---|---|
| 30 | Program expenditures | 60.5 | 54.6 | 51.6 | 61.9 |
| (S) | Contributions to employee benefit plans | 6.1 | 6.0 | 6.2 | 6.2 |
| | **Total** | 66.6 | 60.6 | 57.8 | 68.1 |

# Section II - Analysis of Program Activities by Strategic Outcome

## Strategic Outcome

**The public has timely and fair access to the litigation processes of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada.**

The Service has only one high level strategic outcome which describes its raison d'être. An efficient and effective judicial system depends on easy access by litigants to the registry of the Courts and efficient management of files and hearings in support of the discharge of judicial functions. The Service focuses its efforts on modernizing and improving services to both the public and the judges.

To that end, the Service has established a long term objective of eventually maintaining complete electronic files. This will allow for easier and more timely access to documents, reduce paper copies produced and maintained, and more efficient management of files.

The Service is therefore concentrating its efforts on the testing and implementation of enabling technologies such as electronic filing, digital audio recording, scanning of documents and electronic transmission of decisions to parties and publishers. At the core of this initiative is the development of a CMS to receive, store and manage documents and other court file information.

Concurrently, the organization continually reviews its internal processes to eliminate delays and inconsistencies and is developing both internal and external service standards to ensure that litigants and the judiciary enjoy efficient and effective support from the Service.

## Program Activity by Strategic Outcome

**Program Activity – Registry Services**

Registry Services processes legal documents and applications for judicial review under the jurisdiction of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada. It also ensures proper court records management and adequate operation of the litigation and court access process.

Registry Services are provided through ten permanent offices across Canada and Memoranda of Understanding have been negotiated with several provincial and territorial bodies for the receipt of court documents and use of courtrooms in eight additional locations.

| Program Activity: Registry Services | | | | | |
|---|---|---|---|---|---|
| 2008-09 Financial Resources ($ millions) | | | 2008-09 Human Resources (FTEs) | | |
| Planned Spending | Total Authorities | Actual Spending | Planned | Actual | Difference |
| 39.5 | 44.0 | 42.2 | 409 | 377 | 32 |

| Expected Results | Performance Indicators | Targets | Performance Status | Performance Summary |
|---|---|---|---|---|
| Awareness and understanding of the litigation processes in order to ensure that the public and parties have access to the Courts | Level of awareness and understanding of litigation processes | Improved operational training for staff | Somewhat met | Training of new and existing staff<br><br>Improvements to training program identified |
| | | Increased assistance for self-represented litigants | Mostly met | Improved content on Federal Court website<br><br>Increased clarity of information in letters to litigants<br><br>Public computers installed in Western Regions, Toronto and Ottawa |
| | Number and quality of information products | Review Information brochures and website content | Met all | Information reviewed and updated<br><br>Brochures updated |
| Access to the Courts as quickly as possible with as little burden as possible through client service, quality of advice, efficient and timely processing, and impartial service delivery | Number and type of proceedings by office location and language | Parity with 2007-2008 | Exceeded | Overall increase of 2.8% over 2007-2008 |
| | Average turnaround time by type and level of complexity of proceedings | Key Registry functions identified and draft service standards established | Mostly met | Draft service standards established<br><br>Manual assessment against standards<br><br>Performance information to be captured in new CMS |
| | Number of recorded entries by region | Parity with 2007-2008 | Met all | 99.7% of 2007-2008 numbers |
| Smooth and appropriate functioning of hearings | Extent of satisfaction of the judiciary and parties involved in the hearings with respect to key client service features such as appropriateness of facilities, staff, equipment, safety and | Increased satisfaction level | Met all | Informal tracking of feedback from judiciary shows increased satisfaction with very low error rate |
| | | Development of survey for judges | Met all | Survey developed and approved by the Chief Justices<br>- to be conducted in 2009-2010 |

| | | | | |
|---|---|---|---|---|
| | security at hearings, etc. | Development of survey of staff | Met all | Survey developed - to be conducted in 2009-2010 |
| A sustainable system of services to the Courts that make better use of technology, optimize resources and ensure value for money spent | Results of modernization initiatives in terms of improvement to internal processes, case management, better use of technology, etc. | Implementation of Phase 1 of CMS | Met all | CMS Phase 1 implemented |
| | | Development of Phase 2 of CMS | Met all | CMS Phase 2 developed - to be implemented in coming year<br>Resources secured and plan established for development of remaining 5 phases |
| | | Increased use of new technologies | Mostly met | Expanded use of electronic filing, electronic transmission of judgements, electronic scanning<br>Request for Proposals developed for digital audio recording system |
| | Extent of integrated processes across Courts | Harmonized registry processes across offices, while respecting differences between the Courts | Mostly met | Key processes harmonized, single counter for FCA, FC and CMAC at TDM Building<br>Clarified role of Registrars over NCR and Regional procedures |

**Benefits for Canadians**

The provision of efficient and timely registry services to Canadians facilitates their access to the judicial system. Parties appearing before the Courts – be they counsel, agents or members of the general public – expect high quality services in order that their case may be heard and disposed of with minimum effort and delay. The Registry provides services such as information related to procedures, reception of documents, creation and maintenance of files, scheduling of hearings, support at hearings, preparation and issuance of decisions, and so on. Individuals can access Registry Services in person through ten permanent offices across the country, by telephone or through the websites of the Courts. In the coming year, a vision for moving in a strategic and prudent manner towards completely electronic files for the four Courts will be articulated which will significantly improve the quality of services offered to Canadians.

**Performance Analysis**

Significant progress was made during the fiscal year on improving the level of service provided by the Registry. During the review period, the governance of CMS project has been significantly strengthened and resulted in considerable progress with the release in May 2008 of Phase 1 of the project and the upcoming release of Phase 2 in 2009-2010.

The scope of electronic filing of documents increased significantly in 2008-2009. The Tax Court of Canada allows e-filing of all documents, and a Federal Court Notice to the Profession in November 2008 announced that documents in all types of proceedings could now be submitted electronically. As well, a working group with the Canada Revenue Agency has been struck in view of increasing the number of documents filed electronically by that organization. As a result, the number of documents received electronically more than doubled from 6,673 in 2007-2008 to 15,020 in 2008-2009.

As e-filing is the preferred method of digitally capturing incoming documents, an evaluation of different e-filing approaches will be undertaken in the coming year and the results will assist the Service in developing its longer term strategy.

Moving the Registry Operations of the Federal Court of Appeal, the Federal Court and the Court Martial Appeal Court of Canada to the Thomas D'Arcy McGee Building in December 2008 provided the opportunity to establish a single counter for the public to access Registry Services of those Courts.

Draft service standards were developed during the year, following a review of internal processes which identified best practices and opportunities to harmonize and streamline the way we do business. These service standards will be finalized, approved, implemented and tracked in the coming fiscal year.

**Lessons Learned**

The CMS project has been funded internally over the past several years by the Service. Technical issues and changes in key personnel have resulted in delays in the ultimate delivery date. Government Consulting Services were contracted in late 2008-2009 to undertake an independent, third party Project Management Review of the project. It is expected that the findings of that review will inform and strengthen project governance to ensure the final product meets user requirements, provides value for money and is not delayed further.

Throughout the year, Registry Services dealt with a significant vacancy rate which meant increased overtime, staff fatigue and significant effort directed towards staffing activities. Working closely with the Human Resources Services, these staffing processes should be completed early in the upcoming year which will provide stability and relief. The development of core competencies for Registry Services is under way and the implementation of the Human Resources Plan will result in a proactive staffing strategy.

## Program Activity – Judicial Services

Judicial Services provides direct support to all the judges through the efforts of judicial assistants, law clerks, jurilinguists, chauffeurs, court attendants, and library personnel. The services provided include administrative support, research, documentation, revision, editing, and linguistic and terminological advice, all in support of the judges' ability to better discharge their judicial functions.

| Program Activity: Judicial Services | | | | | |
|---|---|---|---|---|---|
| 2008-09 Financial Resources ($ millions) | | | 2008-09 Human Resources (FTEs) | | |
| Planned Spending | Total Authorities | Actual Spending | Planned | Actual | Difference |
| 23.1 | 27.2 | 25.9 | 221 | 218 | 3 |

| Expected Results | Performance Indicators | Targets | Performance Status | Performance Summary |
|---|---|---|---|---|
| Judges have the tools and resources they need to perform their functions in a timely manner | Level of satisfaction of the judiciary with services provided | Judicial Assistant and Law Clerk support available within 24 hours | Mostly met | System instituted for continuous Judicial Assistant support<br><br>Roster system instituted to ensure Law Clerk availability |
| | | Library response within two hours | Mostly met | Students, casuals and agency staff used as required to ensure timely service<br><br>Satisfaction level of judges improved |
| Members of the Bar and litigants have an increased understanding and awareness of how the Courts work | Feedback from Bar and litigants | Regular meetings of national Bench and Bar and various specialized Bar Liaison Committees | Met all | Regular amendments to the Rules following the input of stakeholders |
| | | Regular Rules Committee meetings | Met all | Development of specialized Federal Court Practice Guidelines to assist litigants |
| | | Open Houses of the Courts | Met all | Development of support tools for self-represented litigants |
| Key stakeholders and the general public have timely information about the status of court proceedings and about judgments rendered | Level of satisfaction of key stakeholders and the general public with timely and accurate information | Decisions posted on website within 48 hours of release | Mostly met | Process issues which could introduce delays identified and addressed |
| | | Translations posted on website within 6 months of release | Mostly met | Causes of delays between receipt and posting of translation identified |

| | | | | |
|---|---|---|---|---|
| | | Release of special Media Bulletins for decisions with significant public interest | Mostly met | Approximately 50 media bulletins issued/posted; some high-interest decisions not captured by Bulletin process |
| | | Response to public / media inquiries to the Federal Court within 24 hours | Met all | Over 500 timely responses to public/media inquiries; positive feedback from Parliamentary Press Gallery |
| Better response to the needs of the Bar and litigants through a better understanding of their needs | Extent to which the Service has implemented suggestions from Bar and litigants | Follow-up on feedback from: National Bench and Bar Liaison Committee, other specialized Bar Liaison Committees, and Rules Committee meetings within six months | Mostly met | Development of specialized Federal Court Practice Guidelines (e.g., Intellectual Property-complex litigation / Aboriginal law) to assist litigants |
| | Level of satisfaction of Bar and litigants with responsiveness of the Service | Initiation of process to publish amendments to Rules of Practice within 6 months of bi-annual meeting | Mostly met | Resolution of other Registry / Court practice issues identified by the Bar |

**Benefits for Canadians**

Judicial Services provides a variety of services and direct support to the judges of the four Courts. These include administrative support, library services, legal research, chauffeurs and court attendants, translation and revision. The smooth functioning of the judiciary and the ability of judges to hear and dispose of cases in a timely and efficient manner is key to a well functioning judicial system. The Service works closely with the judges to ensure that their needs are met in order that they can devote their time and energy to hearing matters and rendering decisions, for the benefit of litigants.

**Performance Analysis**

Judicial Services worked closely with the judiciary in 2008-2009 to identify irritants and issues which impact negatively on the ability of the judges to discharge their duties in a timely and efficient manner. Organizationally, it was decided to transfer the units responsible for translation, revision, distribution and posting of judgments from Internal Services to Judicial Services to better manage this process. A comprehensive review of the posting of judgments and the subsequent translated versions was undertaken and

issues identified. Streamlining the hiring process for qualified judicial assistants to support the judges was a priority, and Judicial Services worked closely with Human Resources Services to identify solutions. The judiciary has generally been satisfied to date with the progress made in these key areas.

**Lessons Learned**

Several performance issues of note were identified by Judicial Services and have been or are being addressed. Some delays between issuance of decisions and their posting on the website were found to be related to internal communications processes; these have been largely dealt with. The causes of delays between the receipt of the translation of a decision and its posting on the website were identified; those that are within the control of the Service are being addressed, while in some cases judicial intervention is required. Finally, innovative and proactive means of addressing staffing delays for judicial assistant positions have been explored and implemented to reduce delays in hiring qualified personnel.

# Section III - Supplementary Information

## Financial Highlights

The financial highlights presented below are intended to serve as an overview of the Service's financial position and operations.

**($ thousands)**

| Condensed Statement of Financial Position<br>At End of Year (March 31, 2009) | % Change | 2009 | 2008 |
|---|---|---|---|
| ASSETS | -6.5 | 4,982 | 5,329 |
| **Total Assets** | **-6.5** | **4,982** | **5,329** |
| **TOTAL** | **-6.5** | **4,982** | **5,329** |
| LIABILITIES | 29.3 | 23,587 | 18,247 |
| **Total Liabilities** | **29.3** | **23,587** | **18,247** |
| EQUITY | 44.0 | (18,605) | (12,918) |
| **Total Equity** | **44.0** | (18,605) | (12,918) |
| **TOTAL** | **-6.5** | **4,982** | **5,329** |

**($ thousands)**

| Condensed Statement of Financial Position<br>At End of Year (March 31, 2009) | % Change | 2009 | 2008 |
|---|---|---|---|
| EXPENSES | 10.3 | 93,732 | 84,959 |
| **Total Expenses** | **10.3** | **93,732** | **84,959** |
| REVENUES | -45.1 | 4,368 | 7,961 |
| **Total Revenues** | **-45.1** | **4,368** | 7,961 |
| **NET COST OF OPERATIONS** | **16.1** | **89,364** | **79,998** |

## Financial Statements

The Service's financial statements can be found at: http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/CAS/DPR-RMR_eng/DPR-RMR-2008-2009-detail_eng.

## List of Supplementary Information Tables

*All electronic supplementary information tables found in the 2008-2009 Departmental Performance Report can be found on the Treasury Board of Canada Secretariat's website at: http://www.tbs-sct.gc.ca/dpr-rmr/2008-2009/index-eng.asp.*

Table 1: Sources of Respendable and Non-Respendable Revenue

## Other Items of Interest

### Internal Services

***Financial Pressures***

In the RPP, the Service highlighted financial requirements for which no permanent source of funding had been secured. These relate to salary and travel expenses for prothonotaries, expenditures related to deputy judges, certain lengthy trials and expenses related to positions created following the establishment of the Service in 2003. These funding issues remain unresolved at present. In addition, several key initiatives in the areas of Security, Information Management and consolidation of NCR accommodation require funding to go forward.

The Service is working closely with Privy Council Office, Treasury Board Secretariat and the Department of Finance in view of resolving these important financial issues.

The Service is subject to ongoing and increasing reference level reductions as a result of the procurement reform initiative; however, it does not enjoy the anticipated savings. Forty-five percent (45%) of its operating funds relate to translation, commissionaire services, court reporting and library expenditures – for which no savings are generated through procurement reform. This net reduction of funding contributes significantly to the financial pressures outlined above.

***Facilities***

In December 2008, Registry employees were successfully moved from the Lorne Building to the Thomas D'Arcy McGee Building at 90 Sparks in Ottawa. The latter has been identified as the long-term accommodation solution for the Service in the NCR. The project was on time and budget, with the Service absorbing some $300,000 of the project costs. The result has been increased satisfaction of staff, a single registry counter for three of the Courts and the provision of more efficient services to the judges.

Consolidation of the Courts and the Service in the Thomas D'Arcy McGee Building will continue over the course of the next several years as leases expire and space becomes available.